

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
January 26-30, 2004

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
1-28	EX	76312705	The Daily Wellness Co.	Seeherman Hohein* Hairston	2(e)(1)	Refusal Affirmed		"FERTILITY BLEND" [dietary supplements]		Im	No
1-28	EX	76196495	Mannington Mills, Inc.	Seeherman Chapman* Bottorff	2(d)	Refusal Affirmed		"GUARDIAN" [reinforced vinyl polymer comprising a component of vinyl floor covering]	"GUARDIAN" [carpets, carpet squares and floor covering]	Sharper	No
1-28	EX	76226294	L.I.D. Ltd.	Simms Chapman* Drost	2(d)	Refusal Affirmed as to both cited registrations		"RINGS OF ETERNITY" [jewelry, namely, rings, bracelets, necklaces, earrings and pendants]	2 cited registrations, both owned by the same entity: "ETERNITY" [gold alloys, gold chain, bracelets, bangles, earrings, charms, pendants and necklaces] and "ETERNITY BANGLE" (and design) [jewelry]	R. Clark	No
1-29	OPP	91117751	GE Osmonics, Inc. v. Osmosis Technology, Inc.	Cissel Hairston Walters*	2(d)	Opposition Sustained	"OSMO" (and design) [reverse osmosis solvent separation units]	"OSMOTECH" [reverse osmosis separation or ultra filtration systems for water purification for residential and commercial and industrial use, consisting of filter membranes, housings for filter membranes and connection fittings for housings]			No
1-29	EX	75578472	A.I.T. Int'l, Inc.	Seeherman Walters* Bucher	2(d)	Refusal Affirmed		"SOUTHERN TELECOM" (and design) [telephones and answering machines]	"SOUTHERN TELECOM" [telephone communications and information services]	Baldwin	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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1-29	EX	75782067	Bayer Corp.	Simms Cissel Bucher*	2(e)(1)	Refusal Affirmed		"ORANGE ZEST" [cold preparation]		French	No
1-29	EX	76022950	Pinnacle Bancorp., Inc.	Seeherman* Quinn Hohein	2(d)	Refusal Affirmed		"PINN BANK 24-HOUR ONLINE BANKING" (and design) [mortgage lending services and mortgage banking services offered to corporate and individual consumers via a global computer information network]	"PINN PRO" [financial services, namely, providing cash management accounts]	R. Clark	No
1-29	CANC (SJ)	92024108	Galleon S.A., Bacardi-Martini U.S.A., Inc. and Bacardi & Co. Ltd. v. Havana Club Holding, S.A., dba HCH, S.A., and Empresa Cubana Exportadora De Alimentos y Productos Varios, S.A., dba Cubaexport	Sams Cissel Walters [Opinion "By the Board" (Zervas)]	whether prior order of U.S. district court compels cancellation of respondent's registration; whether the allegations of the petition to cancel state a claim for cancellation	Petition to Cancel Dismissed (Petitioner's motion for summary judgment denied and judgment entered in favor of respondent on basis that petition fails to state a claim for cancellation)		"HAVANA CLUB" (and design) [rum]			No

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1-29	EX EX	76120194 76290053	Microbrush Corp.	Cissel Chapman* Bucher	2(d)	Refusal Affirmed in both cases		"FLOW THRU" [applicator of liquid to the surfaces of teeth] and "FLOWTHRU" [dental applicators for applying treatment liquid medicament to the surface of teeth]	"FLOW -THRU-HEAD" [dental posts] <i>(cited against both of applicant's marks)</i>	Bell	No
1-30	OPP	91150775	UBS AG v. UFS Securities, L.L.C.	Hairston* Walters Chapman	2(d)	Opposition Sustained as to both opposed marks	"UBS" [banking, investment banking, and securities brokerage services]	"UFS SECURITIES" and "UFS SECURITIES" (in stylized form <i>both marks for securities brokerage services</i>)			No
1-30	EX	75473440	William Hiley	Cissel Bottorff* Drost	whether applicant's specimens show trademark use of its mark	Refusal Affirmed		design mark consisting of "a square border surrounding a stylized chandelier having features resembling a human face" [furniture, mirrors, picture frames, blanket boxes of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, or plastic]		Gaskins	No
1-30	EX	76357740	Taylor-Listug, Inc.	Cissel Hairston* Bucher	2(e)(1); whether applicant's specimens show trademark use of its mark [mutilation]	Refusal Affirmed on both grounds		"SIGNATURE" [guitars]		Stine	No

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